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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 TERRY W. SHEPARD,

9 Petitioner,

10 v.

11 JEFFREY A UTTECHT,

12 Respondent.

CASE NO. C19-5351 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 14. The Court  
14 having considered the R&R and the remaining record, and no objections having been  
15 filed, does hereby find and order as follows:

- 17 (1) The R&R is **ADOPTED**;
- 18 (2) Petitioner’s petition for habeas corpus, Dkt. 7, is **DISMISSED without**  
19 **prejudice**;
- 20 (3) A certificate of appealability is **DENIED**;
- 21 (4) Petitioner’s remaining motion, Dkt. 10, is **DENIED without prejudice as**  
22 **moot**; and

1 (5) The Clerk shall close this case.

2 Dated this 29th day of August, 2019.

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5 BENJAMIN H. SETTLE  
6 United States District Judge  
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